

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TROY ANDERSON, 88126;

Plaintiff,

vs.

NEBRASKA DEPT OF
CORRECTIONAL,

Defendant.

8:21CV34

MEMORANDUM AND ORDER

This matter is before the court on Plaintiff's correspondence, which the court construes as a motion for clarification. (Filing 23.) Plaintiff, a prisoner who was granted leave to proceed in forma pauperis ("IFP"), essentially asks for clarification regarding the court's continued collection of installment payments for the filing fee in this matter. Plaintiff states that almost \$600.00 has been taken off his account since September 2020¹ even though this case was dismissed on August 30, 2021, and he does not understand why he must continue to pay money to the court.

The court granted Plaintiff leave to proceed IFP on February 17, 2021 and ordered him to pay an initial partial filing fee of \$10.04 within 30 days as required by the Prison Litigation Reform Act ("PLRA"). (Filing 8.) *See also* 28 U.S.C. § 1915(b). The court advised Plaintiff that the PLRA "makes prisoners responsible for their filing fees the moment the prisoner brings a civil action or files an appeal" and that Plaintiff will remain responsible for the entire filing fee, as long as he is a prisoner, even if the case is dismissed at some later time. *In re Tyler*, 110 F.3d 528, 529-30 (8th Cir. 1997); *Jackson v. N.P. Dodge Realty Co.*, 173 F. Supp. 2d 951 (D. Neb. 2001).

¹ The court has only been collecting payments from Plaintiff since April 2021 as explained below.

On April 12, 2021, the court received a payment from Plaintiff in the amount of \$305.40. Plaintiff requested a refund of the amount paid in excess of the \$10.04 initial partial filing fee as he only intended to pay that amount. (Filing 12.) On April 19, 2021, the court granted Plaintiff's motion and directed the clerk of the court to refund to Plaintiff's institution the sum of \$295.36 for deposit into Plaintiff's trust account. (Filing 13.) The refund was processed in accordance with the court's order leaving \$339.96 to be collected from Plaintiff. As of the date of this Memorandum and Order, Plaintiff owes a remaining balance of \$86.63. For clarity, the court will provide Plaintiff a copy of his case history report showing all of his payments to the court and balance owed.

Because the PLRA makes Plaintiff responsible for payment of the full filing fee in this matter, his institution must continue to collect payments and remit them to the court in accordance with 28 U.S.C. § 1915(b)(2) until the full filing fee is paid.

IT IS THEREFORE ORDERED that:

1. Plaintiff's correspondence (filing 23), construed as a motion for clarification, is granted in accordance with this Memorandum and Order.
2. The clerk of the court is directed to send to Plaintiff a copy of his case history report along with this Memorandum and Order.

Dated this 15th day of February, 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge